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09/824,621

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

01/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/824,621 | Applicant(s) MATTICE ET AL. | |
| | Examiner Corbett B. Coburn | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-40 is/are allowed.
- 6) ☒ Claim(s) 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Allowable Subject Matter

1. Claims 37-40 are allowed – See Board of Patent Appeals and Interferences Decision of 25 September 2009.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 50 recites the limitation "the transducer apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 43 contains a 1st & 2nd transducer & it is unclear to which claim 50 refers.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-43, 48 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al. (US Patent Number 6,641,483) in view of Henry et al. (US Patent Number 5,774,058).

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Claims 41: Luciano teaches an apparatus (Lockable Security Cabinet) for selectively controlling access to a plurality of physical areas of a gaming machine. (Abstract)

Luciano teaches a plurality electrically operable lock mechanisms respectively associated with the areas and each physically movable between unlocked and locked conditions with respect to its associated area. (Col 8, 19-21 teaches electronic locks. Fig 3 teaches a plurality of locks. Locks inherently move between a locked and unlocked position.)

Electronic locks inherently have control circuitry & since Luciano is concerned with the gaming cabinet, it is clear that the control circuitry would be separate from the gaming machine circuitry. Furthermore, putting the lock control circuitry with the gaming machine circuitry would defeat the purpose of Luciano since this scheme would allow anyone who has access to the gaming machine control circuitry to access all compartments of the gaming machine cabinet – which Luciano explicitly warns against. Luciano teaches that it is important that certain identified personnel have access to some but not all of the plurality of physical areas of the gaming machine. (Col 1, 42-53)

Luciano fails to teach the details of the operation of electronic locks. Henry teaches these details.

Henry teaches control circuitry (Fig 5) independent of the gaming machine including a processor (58) operating under control of a stored program (Fig 6) and coupled to each of the lock mechanisms via a communications link for controlling operation of the lock. This means that the input device is remote from the physical lock. Thus the apparatus remotely controls access. There is a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing

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data including personnel identification data and access authorization data indicative of the areas if any, of the machine for which a person seeking access to the machine is authorized. There is a data input device (keyboard – Fig 14) coupled to the processor for inputting at least personnel identification data (pin – Fig 10) identifying a person seeking access to an area of the machine. (Col 3, 22-24) The processor is responsive to compare personal identification data inputted by the user with data stored on the storage media for operating one or more lock mechanisms (Abstract) in accordance with access authorization corresponding to an identified person. (Fig 10) Clearly, a user may access one or more physical areas (i.e., a plurality of physical areas) of the machine without having access to all areas. The processor causes the lock mechanism of the physical areas to which access is authorized to move to the unlocked position to allow access to those physical areas – this is how all electronic locks work. (See Summary of the Invention for more information.) Henry teaches a monitoring apparatus for monitoring the condition of the locking mechanism. (Col 4, 49-52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano in view of Henry to include the circuitry and programming described in Henry in order to carry out Luciano's suggestion to use electronic locks. The method of use is rendered obvious by the structure. Clearly a system that may be used on a single system may be used on a plurality of systems. Regarding the newly added limitations, it would be ludicrous to assert that Luciano contemplates a situation in which there was only one system within a casino that required

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access control. Casinos typically have hundreds, perhaps thousands, of gaming machines. Clearly, each machine requires access control.

Furthermore, Luciano's teachings are applicable to any number of gaming machines. Luciano teaches that it is important to restrict access to the interior of gaming machines – certain people are authorized access to some locks, while forbidden access to others. Taken over a group of gaming machines, a certain person (e.g., a maintenance technician named Smith) may be authorized access to a certain lock or locks (e.g., Lock A & Lock B) on machines 1-10, but denied access to any other locks on those machines and any locks on any other machine. This is a logical implication of Luciano's teaching. Henry teaches controlling multiple locks from a single location. Henry's device neither knows nor cares where these locks are. Henry teaches sending an actuation signal down a wire in response to the proper access identification – the physical location of the lock is immaterial. Henry's invention works equally well if the locks are attached to one gaming machine or one hundred. Certainly, it would make no sense to have a separate controller for each machine when one of Henry's can control access to several machines. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano in view of Henry to control access to several gaming machines (and portions of gaming machines) in order to apply Luciano's teachings regarding the importance of access control to the multi-machine environment typical to most (if not all) casinos.

Claim 42: Each lock includes a lock bolt moveable between a locked & unlocked position.

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Claim 43: The monitoring apparatus consists of two sensors a bolt position switch which detects the position of the lock bolt (i.e., open or closed) and a door sensor that detects whether the door is open or closed. (Col 7, 57-60) The processor is programs to be responsive to the signals from the respective sensors.

Claim 48: Clearly, in order to function, an electronic lock program must contain a routine to move the lock bolt between locked & unlocked positions.

Claim 49: The sensor that detects the position of the lock bolt must detect whether the bolt has been operated. If it is in the locked position, it has not been operated. If it is in the unlocked position, it has been.

7. Claims 44-47 & 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano & Henry as applied to claim 43 above & further in view of Beatty (US Patent Number 4,887,445).

Claim 44: Luciano & Henry teach the invention substantially as claimed, but fail to teach optical sensors. Henry teaches lock & door sensors, but is silent on their form. Beatty, which also teaches electronic locks for safes teaches optical sensors. (Col 1, 55-62) Beatty teaches that these optical sensors “ensure reliable detection of the position of selected components of the mechanism...” It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano & Henry as suggested by Beatty to include optical sensors in order to ensure reliable detection of the position of selected components of the mechanism.

Claims 45 & 46: Optical sensors include optical emitters & receivers. There must be a pathway between the emitter & receiver.

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Claim 47: Any system that uses this type of sensor must include a routine to modulate the emitter of each apparatus.

Claim 50: The sensors work by detecting alteration of the optical pathway between the emitter & receiver – breaking the beam by operating the bolt would set off the alarm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
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